

OCT 16 2018

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

NATHANIEL BRUCE DUNMORE,
Plaintiff,

v.

OFFICER ROOP, et al.,
Defendants.

Civil Action No. 7:18-cv-00251

MEMORANDUM OPINION

By: Hon. Michael F. Urbanski
Chief United States District Judge

Nathaniel Bruce Dunmore, a Virginia inmate proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983, naming staff of the Virginia Department of Corrections as defendants. On September 14, 2018, the defendants filed a motion to dismiss. Three days later, the Clerk issued a Notice, advising Plaintiff that a motion to dismiss was filed and that he had twenty-one days from the Notice to file a response. The Notice further advised:

If Plaintiff does not respond . . . , the Court will assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states in their [sic] responsive pleading(s). If Plaintiff wishes to continue with the case, it is necessary that Plaintiff respond in an appropriate fashion However, if Plaintiff does not file some response within the twenty-one (21) day period, the Court may dismiss the case for failure to prosecute.

Notice (ECF no. 31) (original emphasis).

Plaintiff did not respond to the Notice or the motion to dismiss, the Notice was not returned to the court as undeliverable, and Plaintiff has not written to the court since August 2018. Pursuant to the Notice entered on September 17, 2018, the court finds that Plaintiff has failed to prosecute this case. Accordingly, the complaint is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) due to Plaintiff's failure to prosecute, and all pending motions are denied without prejudice as moot. See Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) ("The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered

an 'inherent power,' . . . necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.").

ENTER: This 15 day of October, 2018.

1st Michael F. Urbanski
Chief United States District Judge